# GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
MILLEDGEVILLE, 6th Nov., 1855.

*Fellow Citizens of*

*The Senate and House of Representatives :*

You have assembled, as the representatives of the people, to review the administration of the State Government, for the last two years, and to enact such laws as your wisdom may dictate, to be necessary for the promotion of the public welfare. You meet under circumstances well calculated to awaken gratitude to Heaven. For although, the previous year was one of drought and comparative scarcity, and memorable for the melancholy ravages of Yellow Fever upon our principal seaport city, yet, the temporary frown of Providence has passed away, and again we bask in His beneficent smiles. Peace, health and prosperity reign throughout our borders; we still enjoy the blessings of civil and religious liberty; all things combine to provoke us to that righteousness which "exalteth a Nation."

### TREASURY.

I herewith submit the Report of the Treasurer, exhibiting fully the operations of his Department, for the last two fiscal years, ending on the 20th of October. It appears that there was at that date, an available balance in the Treasury of $90,793 24.

The Western & Atlantic Rail Road paid into the Treasury, in 1854, the sum of $50,000. There were also collected from the Federal Government, on account of Military claims, $11,331 79. In 1855 and prior to the 1st of October, the Western & Atlantic Rail Road paid in the further sum of $100,000 00. The Treasurer also received on account of the sale of the reverted lands in the Cherokee region, sold under an act of the last Legislature, the sum of

$19,302 61. From the sale of the States' interest in lan on the Chattahoochee, under an act of the last session, e received the further sum of $1,993 11. Hence, for the t fiscal years, the Treasury has reeeived the aggregate s of $182,627 49, from extraordinary sources, not anticipat by the last Legislature in the estimate of revenue. The aggregate reeeipts of the Treasury, from ordin sources, for the two years, was $930,244 03; and t actual aggregate of disbursments, for the same tin was $946,874 97: showing, that there would have be a deficit, without the receipts from these extraordina sourees, of $16,730 94. Now, the aet of the 24th December, 1845, creates a lien upon the Western & Atlan Rail Road and its nett earnings for the redemption of t Bonds, amounting to $125,500 00, which it authorised to issued for the extension of that work. They fall due in Ju and Deeember 1856. But seeing that a deficit in the Tre ury to meet the demands upon it, must neeessarily oceu finding it also impracticable to call in these Bonds, exce to the amount of $19,500, and feeling perfectly confide that the future proceeds of the Road will be amply suffieie to meet the balance of $106,000 00, before or at maturit I directed the Treasurer to carry the monies paid in, fro that source, into the general fund, use them in the payme of the public Debt and interest, and the regular operatio of the Treasury.

The Committee of Finanee on the State of the Treasu &c., called my attention to the immense item of expen for the services of Clerks in both branches of the Ge eral Assembly. I have investigated this subjeet, by aet al examination of the President's and Speaker's Warran from 1833, down to the present time, including the last sessio The aggregate expenses of the two Houses, per Session, this score, from 1833, down to the session of 1849-50 range from $4,290 00 to $8,833, the latter sum being the large expenditure of any one session during that period. For t session of 1849-50, the expense for Clerks' hire of the tw Houses was $18,286 00: for 1851-2, it was $17,212 00 an for 1853-4, it was $33,156 00. The enormous expenditu of the three last sessions of the Legislature evinee extra agance and eall for retrenchment and reform.

### TAXATION.

Looking at the large liabilities of the Western & Atlanti Rail Road, to mature in 1856, and the heavy demand upon its receipts, to perfect its equipment, I submit, that will be wise to adhere to the poliey of raising, by taxatio the amount necessary to defray the expenses of the Govern ment, and meet the ordinary drafts upon the Treasury.— The nett earnings of the Road, should be faithfully applie

t the extinguishment of the large public debt created for its
onstruction; taxation should furnish the revenue until that
all have been accomplished.

I shall not enter into a discussion of the principle upon
hich the tax should be levied. The ad valorem, is the
ly correct principle. It may now, I trust, be considered
the fixed policy of Georgia; for it has vindicated itself by
periment, and the public mind is satisfied of its wisdom.
he existing system may need amendment, in its details,
t you should adhere to the principle on which it is based.

### PUBLIC DEBT AND CREDIT.

On the 20th of October last, the Public Debt, including
e 6 per cent. bonds issued for the payment of claims
ainst the State, on account of the Darien Bank, was $2,-
4,222 22. Since the action of the last Legislature,
e Central Bank 7 per cent. bonds are considered as
part of the Public Debt, and consequently the bal-
ice outstanding, amounting to $296,000, are embraced
this estimate. I refer you to the report of the Treasurer,
d to the accompanying "Report of the Finance Committee
the state of the Treasury, &c.," for tabular statements of
e amount of the bonds which constitute the State Debt,
eir rate of interest, when and where payable, and the pay-
ents made during the two past financial years.

The credit of the State is now good—a source of con-
atulation to every Georgian. It should not only be pre-
rved, but every means adopted to increase and strengthen
. It is remarkable, that the Bonds of Georgia command a
ss price than the bonds of other States that owe a much
rger debt. This is a fact which should arrest the attention
f the Legislature. I apprehend that, upon examination,
he reason will be found to be, that our Bonds are mainly
ayable in Augusta, Savannah and at the Treasury. This
true of all the issues, except those of July the 1st, 1852,
nd these amount to but $525,000, payable in New York.—
hey were negotiated in New York, for a premium of five
er cent, while the issues, under the act of December 4th,
851, the interest of which is payable semi-annually in Sa-
annah, were negotiated at an average premium of but two
er cent. This furnishes a striking illustration of the ad-
antage of making our State bonds payable in New York.—
hat is the great commercial emporium of the Union, and
ither capital flows, from all points, to seek investment.
lence, as a means of appreciating the credit of the State,
recommend the Legislature to authorize the calling in of all
he State Bonds, including the Central Bank 7 per cents, not
ayable in New York, and the issuing of others, in their stead,
f similar tenor, dates and amounts respectively, payable

at that point. It will also impart greater simplicity and u- formity to the operations of the Treasury.

By an act of the last Legislature, approved 17th Feb. 18 , I was directed to issue State Bonds, in lieu of the outstand g bonds of the Central Bank. It was impossible to effect e arrangement contemplated by a literal exchange of Bon . The interest on the new, was limited to 6, whereas the d Central Bank Bonds sought to be called in, bore 7 per ce . Of course, the holders would not receive the former, in l ot the latter.

That act also required the issue of new Bonds, in lieu certain other Bonds of this State, printed on inferior pap , mutilated and of inconvenient amounts. The holders f these Bonds, with one exception, have not applied for t benefit of the act; and therefore, it was not deemed exp- dient to incur the expense of a new engraving. By adop- ing the policy above recommended, both objects of the A will be accomplished, and contribute much to the pub good, since it will form a part of the plan for simplifying t State debt and appreciating its credit.

Under the act of 24th December, 1845, "to extend the We ern & Atlantic Rail Road, and to provide means therefor," per cent. Bonds were issued to the amount of $125,500 0 signed by the Governor and countersigned by the then Chi Engineer, and payable ten years after date. They were issu on the 1st of December and July, 1846, and consequently, f due the 1st of December and July, 1856. In anticipation their maturity, $19,500 00 of the bonds have been paid, leavi a balance of $106,000 00 unpaid. The Act referred to giv to the holders of these Bonds a paramount lien upon th Road and its nett earnings, for their redemption. Hence the clean receipts of the Road must be appropriated to th satisfaction of these liabilities; and there is no doubt, bu they will be amply sufficient to meet them all before or a maturity. After that, they may be used in any manner th Legislature may direct. Therefore, if the amount necessa ry for the administration of the Government, be authorise to be raised by Taxation, as recommended in another pa of this communication, then all the nett receipts of th Western & Atlantic Rail Road should be appropriated t the payment of the Public Debt. There is obvious pro priety in this policy. Most of the Debt was created for th construction of the Road, and it is therefore proper, that i should first discharge its liabilities to the State. As a larg portion of the Public Debt will fall due at the same time the Executive should be clothed with discretion to make suc application of the money, derived from that source, as will avoid the embarrassment which such heavy maturities mus produce. I therefore respectfully submit, that, after the pay- ment of these Bonds and reserving enough from time to time

to meet its liabilities proper, as they may fall due, the nett earnings of the State Road should constitute a Sinking Fund, permanently set apart for the purpose indicated.

### WESTERN AND ATLANTIC RAIL ROAD.

I herewith submit the two annual Reports of the Superintendant of the Western and Atlantic Rail Road, exhibiting its operations for the fiscal years 1854 and 1855. They show a steady and highly encouraging increase of its business, and a commendable curtailment of its expenditures. As these documents furnish all the data for the formation of a correct opinion as to what should be the future policy of the Road. so far as relates to the regulation of its tariff of freights, I shall indulge in no speculations upon that subject; but leave it, in all its bearings, to the wisdom of the Legislature. It is one of great moment, and can only be correctly settled by facts, its connection with other roads, and the light of experience. If you design it to be a paying road, then the policy obviously is, to adjust its freight schedule, in reference to its connection with others. If you are content, that it shall be kept up mainly for the accommodation of the section through which it runs, and as the means of affording the low, with facilities for procuring the products of the up, country, without special reference to profit, then it may be treated and conducted as an independent work. The Road is the peoples' property, constructed for their common benefit, and therefore, it is peculiarly appropriate for you, as their representatives, to prescribe the line of policy to be pursued.

Nor is it necessary to discuss the various plans suggested for its future management. Some insist, that it should be sold, either in part or in whole, so as to sever its ownership from the State, or to give its control to private individuals. Others urge that it should be leased for a term of years. These propositions were discussed by my immediate predecessor, and considered by the last Legislature. They have also, in the mean time. engaged the popular mind, to a considerable extent, and you are doubtless prepared to represent correctly, by your action, the public sentiment. Another mode proposed is, to place its management in the hands of a Board, composed of three Commissioners, to be chosen by the people. I refer to these propositions to demonstrate what, I believe to be indispensable to meet the expectations of the people of the whole State, and that is, the necessity of removing its administration beyond the arena of politics—of taking it from Executive control—of making it independent of party influences. However widely different these various poposition are, they afford conclusive evidence of the restlessness of the popular mind on the subject. The sentiment is all pervading, and is manifested in a thousand forms, that

this is expected and demanded at your hands. How it sha be done, is the question for your wisdom. I have no hesit tion in expressing the firm belief, that it were better to ado any one of these propositions, than to permit the Road to l managed under the present mode of its organization. Th idea of this vast capital being subjected to the fluctuations party politics—confided to agents, who, as a general rul will be changed every two years, in obedience to the utte ances of the ballot box, is preposterous and ridiculous in th extreme. It is only Rail Road men who understand the cor duct of these great works. Politicians, who aspire to Gube natorial honors, know but little, if any thing, about it. Ho absurd, therefore, to place the Executive at the head of th Road—inexperienced, and therefore disqualified—and ex pect him to manage it with skill and success? How unjus to him—how hazardous to the interest of the people, to sad dle him with so heavy a responsibility. Without disparage ment to predecessors, it is believed, that the Road has neve been better managed, than it has been during the last tw years. Economy and punctuality, in every department, hav been enforced—not a dollar lost by defalcation—not a dolla recovered in litigation for damages which accrued within that period—but few and slight disasters from running off o collisions of trains—and yet the dissatisfaction and com plaint, in certain quarters, are deep and loud. All, all dem onstrating that the policy of severing it from Executive con trol, is absolutely imperative. I respectfully urge the Leg islature to do it.

Under the resolution of the last Legislature, for that pur pose, I appointed the Hon. John D. Stell a Commissioner, "to proceed to the State of Tennessee, to procure the repeal of the law of that State, which subjects the Western and At lantic Rail Road to suits in her Courts, and to fix upon such terms of negotiation and reciprocity, as shall be acceptable to both States." As the result of his mission, I herewith sub mit the Message of the Governor of Tennessee, and the ac tion of her Legislature upon the subject. You will perceive that they, by Resolution, authorized him to "appoint a Com missioner learned in the law, whose duty it shall be to confer with the Commissioner appointed by the Governor of Geor gia, either here (in Nashville) or in the State of Georgia, upon the subject of the intercourse by Rail Road between the two States, with instructions to report to the General Assembly of this State (Tennessee) all the legislative action that has been had by the two States in reference to this matter, and also what further legislation, if any, is necessary to preserve the rights of the citizens of Tennessee, and to maintain our friend ly relations." After Mr. Stell returned, he surrendered his Commission, and I appointed William K. DeGraffenried, Esq., in his stead, to complete the negotiation. The Govern-

of Tennessee appointed James A. Whitesides, Esq., under the resolution above quoted. These two gentlemen have had a meeting, but finding that the question of the jurisdiction of the Courts of Tennessee over the Western and Atlantic Rail Road was made in the McClung case, then pending before the highest judicial tribunal, they considered it most prudent and respectful to await the decision, before proceeding with the negotiation; for the Court might determine the question in our favor, and thus end all trouble on this score. But our hope of so gratifying a result has failed. I understand the Court has decided against us. Hence, if no satisfactory adjustment between the two States can be effected by negotiation, it will devolve upon you to determine the course to be adopted. A lease or sale of that portion of the Road which is within the limits of Tennessee, would seem to suggest itself as the most natural remedy.

### PENITENTIARY.

I refer you to the Report of the Principal Keeper for the operations of the Penitentiary. The following statement exhibits its present financial condition.

*Resources and Liabilities on 1st Oct.*, 1855.

RESOURCES.

| | | |
|---|---|---|
| To Notes and Accounts,..... | $23,276 03 | |
| Of which are considered bad and doubtful,..... | 2,702 27 | $20,573 76 |
| Cash,..... | | 2,807 80 |
| | | $23,381 56 |

And the Liabilities are:

| | | |
|---|---|---|
| Due Officers and Guard,..... | $7,590 89 | |
| " Individuals, Inspector's Dept.,... | 8,483 32 | |
| " do B'k Keeper's " ... | 504 95 | 16,579 16 |
| Resources over and above Liabilities, collectable, | | $6,802 40 |
| To which add: | | |
| Manufactured Articles, in B. K's Dept., | 6.747 90 | |
| Material on hand, P. K.'s, Dept.,.... | 10,257 91 | 17,005 81 |
| | | $23,808 21 |

Hence, it appears to have been managed with quite as much ability and success, as under previous administrations. Still, I feel constrained to say, what its whole history confirms, that it has, to a great extent, proved to be a failure. A brief glance at the causes, will point out the remedy. It is the duty of the Legislature to apply it promptly.

The original design of the Institution was two-fold; 1st, to substitute efficient punishment for crime, properly ad-

justed to its demerit, for the gallows, in the higher, and th applieation of the pillory and whipping post to the lowe grades of offences; and 2ndly, by connecting labour wi confinement, to make it a self-sustaining system. The fir object has been so far aceomplished only, as to dispen with those engines of eruelty and barbarism. But the Pe itentiary has failed to answer the great ends of punishment- reforming the criminal and deterring others from crim It never can answer these purposes under its present orga ization. From the utter impossibility of preventing inte communieation between the conviets, and the absence of a classification of them, aecording to the moral charac ter of their respective offenees, the hope of reformation i unavailing—is vain and futile. It is rather a school in which the villain learns to be more obdurate in his depravity, an he who is imprisoned for an offenee, not involving the darke shades of terpitude, loses the little self-respect remaining t him, by the neeessary eontact with his associates, and is thu ultimately robbed of this last trait of human redemption. The exeeptions to this general remark, few and far between eonfirm its truth. Hence, the Penitentiary eeases, to a grea extent, to be a terror to evil doers. It also fails to an swer the other object of punishment—that of deterring others from violating the laws of the land. The loss of per sonal liberty, of the sweets of soeial life, and the necessity for constant toil and restraint upon the passions, should constitute the terrors of imprisonment. But organized as it is, how feeble and impotent are these sanctions, under our system of Penitentiary eonfinement!

It has most signally failed to aecomplish the second design of its formation—that of being a self-sustaining system. The proof of this is found in the large appropriations, which the Legislature have been compelled, at almost every session, to make for its support. There are palpable eauses—eauses that meet the eye of the most superfieial observer—which render it impossible for it to pay its own expenses. Its wall encloses only about two aeres of ground; is it to be expected that, one hundred and seventy-five men can be employed profitably, upon so small an arena, in which it is impracticable to diversify labour? It is located where materials for manufacturing eannot be obtained, without the payment of ruinous prices.

The question then arises, what is the remedy? Remove it into another region of the State. Construct it upon a plan sufficiently eapacious to meet all the conditions required. So arrange its apartments as to classify the convicts, aeeording to the moral eharacter of their offenees, and to seeure absolute prohibition of all social intercourse among them. Locate it at a point where material of all kinds can be procured cheaply, and build it of stone and iron.

Now is a most favorable time to apply this indispensable remedy. The present wall and buildings are all dilapidated and tottering, and they offer hourly temptation to the devouring element. Something must be done, and done now. The present structures are incapable of such repairs as will render them suitable for the purposes desired. The whole concern must be rebuilt, if you intend to continue the institution and to make it what it ought to be.

By removal, you can remedy another great evil. You can locate it, at a point, at which, heavy operations in iron and stone, may furnish employment for the Convicts, and thus dispense with the common branches of the mechanic arts. On this score the present system is most detrimental. So far from retarding, the State should so shape her policy, as to encourage industrious and honest men to engage in them. But what is the effect of the present Penitentiary system? It degrades them, by turning loose annually a corps of graduated villains, half skilled and too depraved, in most instances, to perform according to their ability, who will work at reduced prices, and thus meet the honest mechanic with ruinous competition. In arranging a system of Penitentiary labour, this reform should not be disregarded; but situated as the institution now is, it is impracticable.

In submitting this subject to your consideration, your attention is directed to the suggestions. under this head, contained in the Report of the "Finance Committee on the state of the Treasury, &c.," and the report of the Principal Keeper.

### INTERNAL IMPROVEMENTS—STATE AID.

If we look to the geographical position of the State, it is not singular, that she has taken the lead of her Southern sisters, in works of Internal Improvement. She occupies the gap between the Southern spur of the Alleghany mountains and the Atlantic, and is, therefore, the portal through which the travel and products of the great vallies of the West must find their transit to the "highway of nations." Such a position fixes upon her a heavy, but glorious responsibility, involving a mission for the future, worthy the most comprehensive grasp of enlightened statesmanship. On the other hand, her varied and inexhaustible mineral and agricultural resources, afford a perpetual stimulus and prompt to constant efforts to secure the means of their development. These considerations create a twofold obligation upon the Legislature; the one, to adjacent States—the other, to her own vast internal interests. Hence, to comprehend fully their legitimate scope of action, the Legislature should assume a lofty stand-point from which they can survey the whole field. Holding in her hand the key which opens the Atlantic to the West, the State should so use her power, as to

force, by a compulsion mutually advantageous, the travel and produce which seek the ship, to become tributary to her own wealth, prosperity and greatness. Looking to this, as the light to guide her general policy, she should likewise, as the proximate motive of action, keep in view the development of her natural resources, and the advancement of the people, in all the elements of the highest and best civilization. Hence, the paramount necessity of well defined and well regulated *system*, in our scheme of Internal Improvements. It does not follow, that a charter for a rail-road must be granted, as a matter of course, when asked. An enlightened legislature, comprehending fully the system, its design, and what is best calculated to advance the general welfare, will inquire whether the charter asked, is in harmony with that system, what will be the bearings of its connexions without the State, what its effect in developing our resources, and what its relation to other works under which large interests have become, or are likely to become, involved and vested? The system in Georgia, though in its infancy, is yet sufficiently advanced to indicate the ultimate shape which it is likely to assume. On her eastern border she has three points, which have formed and are seeking to form connexions with the various sections, internal and external, whose productions will foster their growth and prosperity. These points are Augusta, Savannah and Brunswick. The two former are connected, by Roads completed, with Tennessee and Alabama; and the latter possessing a harbor, unsurpassed by any on the Atlantic coast, south of the Chesapeake and flanked by an extensive territory, covered by the best pine field in the world, and of wonderful agricultural fertility, seeks a connection with the vast region that skirts the Gulf of Mexico. In a word, these three cities form the basis of our system, and the lines through the State which connect, or propose to connect them, with her own great divisions, within, and exhaustless feeders, without, constitute its frame work or skeleton. Its symmetrical completion should both define and limit the policy of Legislative action. It will be most speedily accomplished by private capital aided by the loan of State credit. Such charters, and such only, as may be required for necessary intermediate connections and facilities, should be granted, to fill out the system; and these should be constructed by unaided private capital. But to complete the skeleton of the system, so as to extend an arm into each of the grand geographical sections or divisions of the State, she may, with propriety and wisdom, lend her credit, under securities and guarantees, which will place her beyond the contingency of ultimate liability and loss. To that extent the Legislature may go; but to that extent only should it go, and with well considered caution and well guarded prudence.

The direct appropriation of money or subscription for ock, by the State, to aid in the construction of rail roads, considered to be unwise and inexpedient. Its tendency is emasculate private enterprise, by removing the necessity self reliance. It will complicate the State with individ- l interests, which experience teaches to be dangerous to e public welfare. It will increase the State debt, and nsequently create a necessity for burdensome taxation.

The construction of the Western & Atlantic Rail Road, y the State, is regarded, both as a precedent and an argu- ent in favor of direct appropriations, in aid of internal provements. But it ceases to be forcible, in either point f view, when we consider the circumstances which prompt- d that magnificent project. At that time, there was not a il road in Georgia. Private capital refused to be thus in- ested, because experiment had not shown either the prac- cability or profitableness of such works. Besides, the re- ion which it penetrates, though abounding in agricultural nd mineral fertility, is mountainous and difficult of access. t was socially and physically severed from the lower region f the State and advantageous markets for the products of s industry. On the one hand, rail road interprise needed he stimulus of example ; and on the other, the North West vas incapable of development by private capital. Hence, he State embarked in the enterprise; and if no other ad- antage shall ever be realized, the enhanced value of the ands of Cherokee Georgia amply remunerates the State or the outlay, and vindicates the farsighted wisdom of its projectors. The justification of the State was the necessity f the case; but where the necessity does not exist, the eason for the policy does not obtain.

But viewed in another light, the building of the Western & Atlantic Rail Road by the State does furnish a sound reason why other sections may ask, with propriety, her f s- tering aid, in the form of a loan of her credit. That work cost not less than $5,000,000. The region through which it runs was then very sparsely populated and consequently contributed a comparatively small portion of the expense of its construction. Middle and Southern Georgia bore the tax; they bore it generously and patriotically. It is therefore, not arrogant nor unreasonable to ask, in return, such aid from the State, as will develope other sections and bring them within reach of advantageous markets. The request would come with the force of an appeal to the magnanim- ity of those, who are the special beneficiaries of this large State beneficence, to practice the spirit of enlightened re- ciprocation.

There are those, whose patriotism and intelligence are entitled to great respect, who earnestly advocate the policy of the State aiding works of internal improvement, by is-

suing her Bonds for a sufficient amount, per mile, to purchase the rails, to all Rail Road companies which shall have completed the grading, &c., of their respective Roads and made them ready for laying the superstructure. But I regard it wild and hazardous, and the adoption of such a measure, as the worst calamity that could be inflicted upon the State. If there could possibly be any necessities which would justify it, they certainly do not exist in Georgia.—Rail road enterprise, with us, does not need stimulation, but rather wholesome and judicious direction. Such a system as that however, would multiply those works—or attempts to construct them—indefinitely; and the sequel would be a crushing State debt, impaired State credit, ruinous depreciation of State Stocks and general paralysis, in all the departments of business and labour. States, like individuals, will retard their progress, if they endeavor to advance too rapidly. A system of internal improvements should be rather a growth, developed and gradually matured by the action of the laws of social and commercial progress, than the artificial result of restless, impatient, and ill guided, but well-meant legislation. Let us shun both Sylla and Charibdis and move cautiously through the strait between the two extremes.

### BANKS—ATLANTA—CENTRAL—DARIEN.

The various Banks of the State have promptly made their reports, from time to time, under Executive proclamation, issued in obedience to the law regulating that subject. By the exhibits made, those institutions seem to be sound and healthy. Still, the Legislature cannot be too vigilant, in their examinations, nor too stringent, in restraining them within the limits of their respective charters. New charters should be granted with caution, and only at points, where the interests of trade require an increase of Banking capital and facilities. Created in reference to such demand, they are public conveniences; otherwise, they are mere brokerages and shaving shops, and being compelled to realize their profits by other means than the appropriate business of Banking, they become engines of ruthless oppression and lawless usury—grinding the faces of the necessitous and waging a guerrilla warfare upon the safer and better institutions of the State. The practice seems to have obtained, of late, with some Banks, of sending their issues to distant States, not seeking nor desiring a home circulation. As yet, it is not known, that material injury has resulted, but that it is violative of the correct principle of Banking, is not to be doubted. It is equally certain, that their ultimate failure will bring reproach and dishonor upon the State.—Hence, it would be well for the Legislature to investigate the extent, character and policy of these distant opera-

ons. Are they not hazzardous to the financial welfare of e State? Are they not inconsistent with correct Banking rinciples? Are they not against the reason and spirit which rompted the Legislature to charter them? Is it not bad olicy, for the General Assembly of Georgia, virtually to stablish Banks for other States, although nominally located within our limits? These are grave questions. I am not repared to say, what ought to be the effect, if investigation hould furnish an affirmative answer to them. That it would lisclose a fearful evil is certain; but whether it is within he reach of legislative remedy, consistent with chartered franchises, can only be determined by the facts developed. If such disclosures should amount to a fraud upon the intention of the Legislature, in granting the charters, or show a misuser of the charters, by their perversion to purposes, not contemplated by their creation, the remedy is plain. The whole subject is respectfully submitted, and if nothing more valuable result from its discussion, it will, at least, inculcate the salutary lesson, that hereafter they shall be granted upon such terms and restrictions as will prevent the evil.

In compliance with a resolution of the last Legislature, I appointed L. E. Bleckley, Esq., Solicitor General of the Coweta Circuit, to enquire into and report, the circumstances attending the organization of the Atlanta Bank, and also its mode and places of transacting business. He performed the duty with ability and neatness. It was a laborious service, not necessarily appertaining to his office, and therefore, it is but justice, that the Legislature should make an appropriation for his liberal compensation. In examining the Report, I did not deem the irregularities, in the organization of the Bank, or the place and mode of its transactions, to be of such a character as to work a forfeiture of charter, and therefore, I have not caused judicial proceedings to be instituted for that purpose. It is, however, herewith submitted, that you may take such action in the premises, as you may deem proper and expedient.

In obedience to Executive order, to turn over the assets, of every description, of the Central Bank, either in his hands or those of Attorneys or Agents to two or more suitable Attorneys or Agents, the Treasurer, on the 15th of July, 1854, entrusted the same to William L. Mitchell, Esq., and James N. Bethune, Esq., with full power to collect, compromise or dispose of, upon an agreement, that they should retain one half of the amounts realised, as compensation for their services. These assets were in great confusion, consisting of Notes, Bills of Exchange, returned as insolvent, Attorney's receipts and fi fas, endorsed "Nulla bona," scattered over the entire extent of the State. The aggregate amount was $312,650 63. As yet, but little has been collected, and it is quite certain, that the ultimate loss, on this

score, must be very large. The indebtedness of the Ban exclusive of her outstanding Bonds, is about $36,140 0 It is hoped, that sufficient may be realized from these asset to pay this liability, but the hope is not founded upon suc data as to make it confident. From the known energy the gentlemen entrusted with them, all that can, will be ac complished. For accurate information, as to the amoun thus far, collected, you are respectfully referred to the Re port of the Treasurer.

The Commission to settle the claims of the creditors the Darien Bank upon the State, under an act of th last General Assembly, approved, February 14th, 1854 performed the duty assigned them. The Hon. Eli H. Bax ter, not accepting, William L. Mitchell, Esq., was appointe in his stead. The Hon. Walter T. Colquitt and Richar H. Clark, Esq., were appointed as Attorneys to represent th State before the Commissioners. Early however, in th progress of the investigations, the former departed this life whereby the labour and responsibility were devolved upo the latter. It is but a tribute of justice to bear testimony to the signal ability and success, with which he performe the duty assigned him. By his diligence, industry and lega research, he doubtless saved the State many thousand dollars. The award of the Commissioners was appealed from to the Superior Court of Baldwin county, and thence, the questions of law were carried, by Writ of Error, to the Supreme Court. The ultimate liability of the State, including compensation to the Commissioners, Counsel fees and Court costs, was only $48,500 00. By authority of the act under which the proceedings were had, this amount was paid, with the proceeds of State Bonds, sold at par, dated July 1st, 1855, and payable ten years after date, at the city of Savannah.

### PUBLIC PRINTING.

The publication and distribution of the Laws and Journals, of the last Legislature were not accomplished until a year after the time required by the law regulating the duty of the Public Printer. This affords the second, of two successive instances, showing the absolute necessity of requiring this work to be performed at the Seat of Government. The act of the 16th of February. 1854, clothes the Executive with enlarged power over the subject and, under proper circumstances, it might be exercised with advantage. But there were considerations connected with the delinquency of the late Public Printer which induced forbearance. Under that act, if the delay, in the delivery of the Laws and Journals, go beyond six months, the Executive is authorised to remove him from the office and appoint a successor. Ere the expiration of the six months however, the Public Printer

ad the misfortune to lose, by fire, almost the entire edition of he House Journal. Soon after that, the city of Savannah as visited by the Yellow Fever and he fell an early victim, eaving the work unfinished and the office vacant. Messrs. Soughton, Nisbet & Barnes of the Federal Union press, vere appointed to reproduce the requisite number of copies f the burnt Journal, and they executed the work with great idelity and dispatch. However sad the reasons for the de-ay in this instance, and however far they may go to remove he censure which the public mind, under other circum-tances, would visit upon the delinquent, it does not weak-n the reason for requiring the work to be done hereafter at he Seat of Government.

There is still another and unanswerable argument in support of such requisition. The 9th section of the act re-erred to, very properly, requires the Compiler, to read the proofs of the Laws and carefully compare them with the enrolled Acts. Those acts cannot be removed, with propri-ety, from file in the office of Secretary of State. Hence, the exceeding inconvenience, almost impracticability, of thus reading and comparing the proofs. I therefore, earnestly reccommend, that. who ever may be the Public Printer or wheresoever resident, he shall be required, by law and the terms of his Bond, to execute the work in the city of Mil-ledgeville. It will secure dispatch, accuracy and fidelity.

A large amount of the expense of this branch of the pub-lic service may be saved, without detriment. The law re-quires the publication of 4000 copies of the Journals of each House; whereas, 2000 copies of each would be a most ample supply. It is well known, that the Journals, in most cases, are deposited with the Clerks of the Courts of the several counties and are piled away unappropriated to mould or rot or waste. It also requires 5000 copies of the Laws, whereas 2500 would be sufficient. Why continue the useless expense of so many copies of the Laws and Journals? Under this head, there may be a still further reduction of the expense, by printing the Journals in smaller type. By the change, in these two respects, several thousand dollars may be saved to the Treasury, without any detriment to the public interest. I therefore recommend the publication of 2000 instead of 4000 copies of each of the Journals, and 2500, instead of 5000 copies of the Laws—the Journals in Long Primer, instead of Small Pica type. The marginal notes to the Laws are almost useless; they may well be dispensed with, and thus save another very considerable item of expense.

A still greater saving may be effected by letting the Pub-lic Printing to the lowest bidder, under sealed proposals, to be opened and the contract awarded, on a specified day, by

the Executive. I therefore reccommend the adoption c this plan of selecting the Public Printer. Fidelity and des patch may be secured by responsible Bondsmen and the con tinuance of the powers of the Executive over the subjec with which he is clothed by the existing laws.

Mr. Chapman received on account of printing the Law and Journals the following sums, to-wit:

| | |
|---|---|
| As an advance by legislative authority,.... | $6,000 0 |
| Under Executive Warrant,..... | $11,000 0 |
| Freight on Journals properly chargeable to him, | 100 0 |
| Paid J. M. Cooper & Co., to lift lien for binding Laws,..... | 1,137 0 |
| Amounting in the aggregate to..... | $18,237 0 |

For the work performed by him, according to an estimate made by Geo. Ringland and Wm. Barnes, practical prin ters, at the request of the Executive, he was entitled to re ceive $13,749 80, showing an over payment of $4,487 20 The estimate is based on what he would have been entitled to, according to the rates of compensation fixed by law prior to the act of 16th February, 1854. He should be held down to those rates, on account of his failure to perform the work according to contract, a faithful compliance with which only, entitled him to the increased compensation provided for by that act. If however, he should be considered as deserving, under the circumstances, the rates of compensation provided for by that act, he would then be entitled to receive for the work done by him the sum of $16,172 00, which deducted from the $18,237 00, which he actually received, shows an over payment still, of $2,065 00. For the one or the other of these amounts of over payment, according as the Legislature shall hold him to the rates of compensation of the old or the new law, his securities are responsible to the State. Under this view of the subject, it is respectfully submitted to the General Assembly to determine whether, under the circumstances, they will direct suit to be brought upon the Bond of the State Printer.

### THE SEAT OF GOVERNMENT.

The question of the removal of the Seat of Government has been agitated, from time to time, for many years. The last Legislature, impressed with the importance of its final settlement, refered it to the legal voters of the State, and required them to endorse on their tickets "removal" or "no removal," and "if to be removed, where." The following is the official vote on the first Monday of October last, accord-

ig to the official returns on file in the Executive Depart-ent: No removal, 49,781; Removal to Atlanta, 29,337; to lacon, 3,802; to Thomasville, 1; to Savannah, 93; to Ma-etta, 4; to Gordon, 1; to Fort Valley, 1; to Griffin, 313; Waynesborough, 1; to Rome, 4; to Madison, 5; to Stone ountain, 4; to Indian Springs, 2; to Sandersville, 5; to arnesville, 1; to Hootensville, 1; to Augusta, 1; to Clarks-lle, 1; to St. Simon's Island, 1; to Lumpkin, 1; removal no place designated, 952; scattering, 14. The aggregate ote upon the question of removal is 84,326, of which 49,781 ere for "no removal," and but 34,545 for removal to all ther places. Hence, it appears, that the majority for "no emoval," over all others, is 15.246. The Gubernatorial vote, t the late election, was about 104,250, showing that there were bout 19,705 legal voters who did not vote on the question of emoval. Hence, if it be a fair construction, as it would seem o be, that their failure to vote is expressive of their content-nent with Milledgeville as the Seat of Government, it is vident, that the popular will is overwhelmingly opposed to ts removal. If the Legislature should concur in this view, hen, it is due to the public as well as to the citizens of Mil-edgeville, that you should, at once, by decisive action, put a uietus to the further agitation of the question. Not the least effectual mode of accomplishing this object, will be to make necessary repairs and additions to your public buildings. The State House should be repaired and suitably enlarged. The square should be graded, cleared of the Arsenal, Mag-azine and the four Churches, upon just compensation to the respective denominations, set with shade trees, and enclosed by a substantial iron fence. The Executive Mansion, also, should be thoroughly repaired and refurnished, and the lot surrounded with an iron enclosure.

By resolution of the last Session, I was "requested to fur-nish to each branch of the Legislature, the amount of the original cost of the public buildings at Milledgeville, exclu-sive of the Penitentiary and Lunatic Asylum, and what amount is necessary to so repair them as to make them suit-able for the purposes for which they were intended." This resolution passed just at the close of the Session, and conse-quently, could not be responded to, before its adjournment. I am unable, even now, to give a full reply. As far as can be ascertained, the public buildings, including State House, Executive Mansion, and out houses, the Arsenal and Maga-zine, have cost, first and last, about $300,000 00. I have engaged Messrs. Sholl & Fay, professional Architects, to fur-nish information on the second branch of the resolution. They have already submitted to me a rough sketch of the additions and improvements to the State House which are necessary; and they authorize me to say, that the whole can be completed for $125,000 to $150,000. They are now en-

gaged in making the necessary drawings and estimates o the expense; and at an early day, they will be ready fo transmission to the Legislature.

The State House is entirely unprotected against the rava ges of fire. You should authorise the construction of a larg cistern on either side, and the purchase of a Fire Engine This precaution is highly important, and, cost what it may it will be wise and provident economy.

### ANNUAL SESSIONS.

I recommend a return to annual Sessions of the Genera Assembly. The growing and diversified interests of the State require it. The people, in a popular government, should, every year, have their minds specially directed to the principles on which it is based and should be conducted, and by their representatives, review its administration. Nothing will so effectually enforce responsibility upon its officers of every grade, from the highest to the lowest. So far from being an evil. annual elections are important; they interest the masses in the politics of their country, and they become enlightened by the discussions they provoke. The Executive term begins and ends with the Legislative, and consequently, both Governor and Legislature enter upon their respective departments without much knowledge of the duties they require. The Legislature adjourns and leaves the government in the hands of the Executive; his term expires at the assembling of the next, and no opportunity is afforded to review his conduct, until after he has retired from office. The remedy for this is a return to annual Sessions. But the duration of the Session should be limited by the Constitution.

### EDUCATION.

Our political system is based upon the maxim, that the people are capable of self government. This presupposes intelligence, to know how to govern, and virtue, to give that intelligence proper direction. Hence, the importance of a system of public education to enlighten the intellects and moralize the hearts of the masses. The importance of this subject is paramount and should bring into requisition all the wisdom of the Legislature; whilst the thousands of poor children within the State, too indigent to provide for themselves the blessings of education, but who must have it, as an indispensible qualification for good citizenship, should awaken an enlarged and benevolent liberality. The returns for 1854 show that 42,467 belong to this class, who are entitled to participate in the pittance of $23,38S provided for their benefit. The considerations which should prompt to efficient action are apparent to every reflecting mind. They are such as challenge the attention of the highest statesmanship. We see them not only in the necessity of educa-

on to the perpetuity of popular liberty, but in the thousand cial blessings which it confers. It promotes public peace, ves security to property, diminishes crime, lightens the ex- nse of administering the laws, stimulates enterprise, di- cts industry and capital and hastens the march of civiliza- on. The difficulty is, not to determine what ought to be one, but how it shall be done. The subject becomes more nd more embarrassing, each successive year, because the crease of poor children, renders the amount of money ad- quate to the emergency, more difficult to be raised. Hence, the Legislature ever intend to come up fully and fairly to he high mark of enlightened duty, it would seem, that the me has arrived, when they should initiate a system, capa- le of gradual expansion and self sustentation. I shall ven- ure no specific recommendation. I prefer rather to submit he great subject to your wisdom, animated as it must be, y patriotic desire, to promote the happiness and prosperity f the State. But if I could command the power to awak- n the proper spirit and excite the proper liberality, I would nake the appeal with an urgency which should be over- whelming, that the General Assembly will not rise, until it shall have redeemed the high obligations of the *present*, to *future* generations. Georgia is in advance, in material pros- perity and improvement; she is in the rear, on the subject of common school education. The ship, driven before the wind, may sail rapidly, for a time, without a helmsman, but she will be wrecked at last. Education is to State progress, what the helmsman is to the ship; the more rapid her ca- reer, without it, the sooner she will be stranded.

In this connection, the State University is earnestly com- mended to your fostering care. By reference to the act of 1785, "for the more full and complete establishment of a public seat of learning in this State," it is quite evident, that our forefathers designed to erect a University of the highest character. It is apparent, from the preamble to the bill and from the very liberal endowment for which they provided. In view of the paramount importance which they attached to liberal education, as a means of sustaining and per- petuating free government, they felt that it was a humiliating acknowledgment of the ignorance or inferiority of our own State, to send our youth abroad to others, for its acquisition. If this were true in 1785, the policy which, they then de- plored, is still more to be deprecated now, when, by sending them to other States, they are surrounded by prejudices and influences against our domestic institutions, calculated to give an unwholesome direction to their sentiments. The original design of the founders of our State University ought therefore to be completed and perfected. It should be so endowed, and furnished with all the facilities for the prosecu- tion of scientific research, as to enable the devotees of learn-

ing, to reach the highest attainments. Several other profe sorships should be created, and ample appropriations mac for such compensation as will command the highest talent fill them.

By the liberality of the late Dr. William Terrell, an Agr cultural chair has been established and $20,000 donated, th interest of which is to be applied to the support of its Pr fessor, in the State University. But this is inadequate. T render the department efficient and useful, the Legislatu should, not only increase the sum to the extent of an ampl endowment, but also make a suitable appropriation for fi ting it up with ample means of instruction, illustration an experiment. The appeal, upon this score, will not be in vai It is the first movement, in Georgia, in favor of Agricultur education, hitherto more neglected, although more importan than any other branch. The Professor may produce an nually his course of Lectures, and delight his class with th theory of Agriculture, but he must have the means of illus tration and experiment to unfold its relations to, and depen dence upon, Mineralogy, Geology, Botany, Chemistry, Nat ural History and Mechanics. Agriculture is the most im portant, because it is the foundation of, all other pursuits. I supplies Commerce and Manufactures, in all their variou and multiplied departments, with whatever imparts to then activity, prosperity and vitality. Hence the indispensibili ty of its being directed and dignified by the light of scienc and the devotion of educated mind.

### AGRICULTURE AND MINING.

The promotion of Agriculture and the development of ou Mineral resources should engage the earnest attention of th Legislature. In the older region of the State, much of th lands have been exhausted by tillage, and planters are turn ing attention to the reclamation of swamps, by ditching an embanking. The latter process, in many instances, is pre vented by the fact, that embankments throw back water ove the lands of adjacent owners. When this is the case, the ap prehension of an injunction arrests the enterprise. I recom mend the passage of a law to authorise any person owning swamp land, on one side of a stream or creek, to embank the same, although it should have the effect to increase the water over the swamp of the other side, owned by another. Such an act will greatly promote such enterprises and lead to the reclamation of thousands of acres of the most pro ductive lands, which are, otherwise, valueless.

As a further means of encouraging Agriculture and the development of the mineral wealth of the State, I recom mend, that provision be made by the Legislature for the ap pointment, with a suitable salary, of State Geologist, Min eralogist and Agricultural Chemist. His office should be

lonted at the Capital and his general duty should be to nke a Geological survey of the State, direct the mode of te ing for ores, analyze soils and point out the various kinds of manures for their fertilization. To make the organizati n of such a department efficient and useful, it would re- q re the State to be divided into Geological Districts, and th employment of assistants. Its details however, will r dily suggest themselves to the Legislature, and the polic once adopted in good earnest, time and experience will v ry soon perfect it. A similar appointment, in other States, h s been attended with the most beneficial results. It is m re easy to adduce than to select illustrations of its a vantages. In Georgia, but little attention has been de- v ted to Agricultural education; and without disparage- m ent to our planters, it must be confessed, that their s ccess is mainly the result of fertility of soil and uncon- q erable energy and industry. They owe but little to the p plication of scientific principles to the multiplied details f the plantation. But as the lands become exhausted by s ch a system of cultivation, they will refuse their wonted y ield, until science shall come to their rescue, by showing t e means of their resuscitation. The office under consid- r ation will, to a considerable extent, remedy this wide spread evil. By his analysis of specimens of soils furnish- d to him, he will explain to the owners the character, com- p onents and quantity of the manures required to fertilise them. By delivering public lectures as often, and at as many points, as he may be able, he will instruct the in- h abitants of whole Agricultural districts, as to the quali- ies of their lands, and the fertilizers best calculated to c nfer upon them the highest capacity for production. This will soon awaken the proper spirit among the people and lead, as an ultimate result, to a just appreciation of the im- portance of Agricultural education. The aggregate of ad- vantage could be ascertained only, by knowing fully the loss to the country, from the absence of, and the amount gained by, the application of science to the operations of the plantation. And how shall we estimate the thrift and activity which such an appointment will impart to the Mining interest of the State? Her mountains and hills are rich in embedded mines of ore. As yet, we have made but little progress in their discovery. Vast sums are expended, in blind experi- ments to ascertain their location, resulting often in the hope- less ruin of the zealous seeker after hidden wealth. The large amount saved, in the work of testing for ores, is the least of the advantages of the appointment under considera- tion. The actual wealth which would be developed by the scientific direction of these operations, is absolutely incal- culable, whilst it would, at the same time, open new chan- nels for capital and industry. and furnish employment for

housands of laborers. I may not dwell at greater lengtl upon this interesting topic. I trust it will engage the serious deliberations of the Legislature, and that they will act as becomes enlightened statesmen.

### WEIGHTS AND MEASURES.

By an act of the last General Assembly, approved Febru ary 9th, 1854, the Governor was directed, to cause to b procured in some cheap and economical way, fifty standard of weights and measures, each to correspond in weigh and measure, with those now in the Executive office, for th use of the new and such old counties, as have not been supplie under the Act of the 23d of December, 1839, Upon proper investigation, it was ascertained, that it would require abou $3,500 00; and as the Legislature made no provision for the payment, the act has not been carried into execution The object is important and you should make the requisite appropriation.

### JUDICIARY.

A case has been brought to my notice, by the enlightened courtesy of the Hon. W. B. Flemming, Judge of the Eastern Circuit, which suggests the propriety of legislative remedy.

A man by the name of McCollough killed a negro, the property of Robert Habersham, Esq., at Fort Jackson.— That place being under the exclusive control of the United States, although within the county of Chatham, he was indicted before the Circuit Court of the United States, and under the charge of Judge Nicoll, was acquitted, on the ground, that the Court had no jurisdiction. He was subsequently indicted in the Superior Court of Chatham and was acquitted upon the plea of former acquittal. The negro was shot at Fort Jackson, but *died* beyond it. Hence, the Circuit Court had no jurisdiction. If he had been prosecuted in the first instance in Chatham Superior Court, then, the plea to the jurisdiction, sustained by the proof, that the *act* was committed at Fort Jackson, which belongs to the United States, would have produced his acquittal. Hence the Legislature should provide, that, in such a case, the prosecution may be had, and the offender tried in the county, in which the death takes place.

The object of punishment is to prevent crime. To be effectual, it must be sufficiently severe, to operate as a terror to evil doers, and sufficiently certain, to cut off the hope of impunity. If it be too mild, the offender will rather endure it, than forego the gratification of his vicious passions and unlawful designs. If more than commensurate with the turpitude of the crime, it shocks the sense of public justice. and consequently, the transgressor escapes. These re-

rks are suggested by the act of the last session, approved 2h February, 1854, imposing Penitentiary punishment on Fro dealing, and gaming of that character. The evil inded to be prevented is great, but the law fails to answer th purpose. There has not been a single conviction under it The offence goes entirely unpunished—even unprosecuted. It abounds in all our cities and at our fashionable watering places. It is bold; it scarcely seeks to conceal itself om public gaze. Why is this? It is because the penalty i too severe. Public opinion does not demand that it shall l visited with Penitentiary imprisonment. Hence, the law es unexecuted, and instead of preventing, it has increased e evil it designed to suppress. I therefore recommend its peal, or such modification as will adjust the penalty to the ture of the offence.

The law organizing the Supreme Court for the Correction Errors, requires that tribunal to hold its sessions at nine fferent points in the State, to-wit: Columbus, Americus, Mon, Decatur, Milledgeville, Augusta, Gainesville, Cassville, nd Savannah, and to deliver their opinions upon each case, uring the respective Terms. This imposes so much travel pon the Judges, and such haste in the formation of opinons, as not only to make their labours almost intolerable, but eprives them of the time for deliberation and patient research, so indispensable for the correct determination of important legal questions. This is a glaring defect and disualifies the Court from being as useful to the State, as it ight and would be, if it were cured. It is doubtless, the rue cause of the dissatisfaction with the Court, which obains in some sections of the State, and threatens its abolition. This would be a retrograde movement, and the idea s not to be tolerated for a moment. The most enlightened Courts sometimes err, even under circumstances most favorable for the investigation of truth. Organised as is our Supreme Court, the wonder is, that it does not err oftener, and instead of this furnishing a ground for dispensing with, it ought to present enlightened men with the strongest reason for remedying its imperfections. I therefore recommend, that the Constitution be so altered as to confine its sessions to one point in the State; and as the State is collecting a valuable Law Library at the Capital, it is the proper point for its permanent location. They should also be permitted, when the Judges may desire, to hold up cases for further deliberation and investigation. This will correct the prominent defects in its organization and render it more efficient.

### RETAIL LICENSE.

It is painful to the patriot and christian to witness the ravages of intemperance. Like war and pestilence, it leaves

in its pathway its millions of victims slain, lamentation an wo. It pours desecration and contempt upon all that is ha lowed in domestic life, and all that is sacred in the rites our holy religion. The good man naturally enquires for a remedy. He looks back upon the past—eloquence an argument have grappled with it, social organization has e erted its combined instrumentality, Christianity has wep and prayed over it—and yet the evil continues. Losin sight of the potency of moral suasion, losing faith in the ult mate triumph of truth and virtue, and impatient for summa ry relief, he feels that legislation must come to the rescue by prohibiting the sale of intoxicating liquors. This lead us to search for the delicate line which defines the legit mate sphere of the civil power. The Legislatnre is th guardian of the general welfare. It is its duty to secur public peace and tranquility, and to protect persons, charac ter and property. But why? Not because religion en joins, but because the interest of the body social demands it Hence, social and civil necessity only should both promp and limit legislative action; the promotion of the moralit which religion inculcates must be an incidental result, no the primary object. This is the true criterion to guide th law-making power. To transcend it is fanaticism, becaus it is the recognition of a principle, which would justify th civil authority in taking charge of the consciences of me and enforcing moral reforms by law, which can only be le gitimately done by appeal to reason. Hence, the dange and impolicy of attempting to aid the temperance cause by legislative prohibition of the traffic in ardent spirits. It i not only wrong as a principle of legislation, but the public sentiment being adverse to it, the law would not be enforced, intemperance would be undiminished, and the social evils aggravated, which it would design to suppress.

It does not follow however, that there are not abuses connected with our retail license law, which are within the legitimate reach of the Legislative arm. Whoever will examine the criminal dockets of our Courts, will see abundant proof, that the system needs the restraint of a more rigid and wholesome police. It is the fruitful source of crime against life, person, property and the public peace; and therefore it is the duty of the Legislature to apply a remedy. I have given this subject much reflection and am satisfied that, if the existing laws could be sternly enforced, most of the evils connected with our license system would cease. Why are they not enforced? Is it because public sentiment is opposed to them? Is it because good citizens do not approve them? Is it because the penalties are too severe? By no means. But it is because their violation is covered in secrecy and darkness, so that they escape discovery and detection. The grand defect therefore, is apparent. It lies in

th fact, that the existing law requires the Clerk of the Inferior Court of each County, to grant, as a matter of course, a license to every man who complies with its precedent conditions. Hence, in too many instances, bad and unprincipled men obtain permission to retail, who defy the restraints of law, if they can conceal its violation. Now suppose the retail traffic were confined to men who would respect and faithfully obey the laws for its regulation, is it not evident that the great mass of existing evils that afflict society would cease? The remedy then, is to confine the granting of licenses to such men. How can you effect this? Withdraw the granting power from the Clerk, and vest it in the sound discretion of the Inferior Court of each county. As the guardians of the general welfare, they will exclude vicious and corrupt men from the traffic, and confide it to those whose known fidelity to the laws of the land will be a guarantee for well regulated, and orderly houses. I feel confident, that this change in the license law, would vindicate itself, by the benefits it would diffuse, and meet a sustaining response in the public sentiment.

### MILITARY.

Our Militia system requires entire reorganization. It might be well to substitute a commutation tax in lieu of the present onerous requisition of personal service, at the option of the militiaman.

The State should encourage the organization of Volunteer companies. The judicious application of the fund arising from the commutation would be well devoted to that object.

Previous to the last Congress, the State lost largely in the quota of Arms to which she was entitled from the Federal government under the law of 1808, on account of the imperfect returns of our militia strength. We have lost not less than $50,000, equal to 3846 muskets. But the law is now so amended, as to distribute the quotas of Arms to the several States, according to their representation in Congress. Still however, it is important for you to adopt some plan to ascertain the numerical strength of our Militia. It may be done by requiring the receiver of tax returns in the several counties, to make a list of all male citizens between the ages of 18 and 45 years. This list could be tabulated among their respective Regiments, Brigades and Divisions under the direction of the Governor. This would enable the Commander-in-Chief, in case of a call for troops by the General Government, if the number were greater than could be raised by volunteers, to equalize the draft among the several military divisions.

The State will, in a few years be supplied by a well educated, scientific and efficient corps of young men, to officer her troops, should necessity require, in the graduates of the

Georgia Military institute, capable to discharge the duties any post, in any department of military service. Two classe one of six and the other of fifteen members, have alread been graduated; their scientific skill and military knowledg can readily be made available and the volunteer organiza tion of the State placed upon a permanent footing.

There are in the Arsenal, at Savannah, 30 pieces of sieg and field Artillery. Most of them have been condemned a useless. They should be sold. The small arms, in bot our Arsenals are of obsolete model. These also, with th exception of the Tower muskets in the Arsenal at Milledge ville, should be exchanged for new and efficient weapons.

I commend to your fostering care the Georgia Militar Institute. It is destined to supply a great and important de sideratum—military education and the nurture of a prope military spirit. Having enjoyed peace so long, we permi both to be neglected. The character of our civil institu tions and the pursuits of our people are not calculated t stimulate the arts of war. It is well to be so; but we ough to profit by the lesson of history, that no people ever pre served their freedom who were not both willing and pre pared the fight for it.

### ACADEMY FOR THE BLIND.

I transmit the third Annual Report of the Georgia Acade my for the Blind, and respectfully refer you thereto, for in formation as to its progress and financial operations. The sightless objects of its care are entitled to the sympathy and aid of every patriot and philanthropist. The successions of day and night—the changes of the seasons, clothing Nature in the lovliness of infinitely variegated colors, are all unenjoy ed, unappreciated by the blind. To them, earthly existence is one long, dark, monotonous night, without a glimmering star to relieve its gloom. Let the Legislature take them under its fostering care, and nurse this infant school into vigorous maturity and efficient usefulness.

### GEORGIA ASYLUM FOR THE DEAF AND DUMB.

The Georgia Asylum for the Deaf and Dumb presents similar claims upon your favorable consideration. Its sixth annual Report, herewith transmitted, shows that it is gradu ally advancing in usefulness. The institution needs more extended accommodations, in the way of buildings. The Report represents, that about $8,000 will be sufficient for the purpose, and asks the Legislature for its appropria tion. It would be well, also, that provision should be made for the employment of an agent, to devote his whole time, in seeking out and bringing to the Institution the unfortunate objects whom it is designed to benefit. The same individual might also be the agent of the Academy for the Blind, and

ths perform the service for both establishments. This arrangement would be, at once, economical and useful, and bring both the Blind and the Mute within the genial sphere of an education adapted to their respective conditions.

### LUNATIC ASYLUM.

The Lunatic Asylum, although far from completion, both as to the necessary buildings and the full consummation of the object of its establishment, is yet sufficiently advanced to become a fixed and settled object of Legislative regard and support. Its ultimate success is now beyond contingency. It is destined to be an honor to the taste, liberality and philanthropy of Georgia. Under the Act, approved February 8th, 1854, I appointed Drs. R. D. Arnold. Richard Moore and Phillip Minis, and Hines Holt and A. M. Nisbet, Esqrs., to investigate and determine upon the buildings necessary to be erected, for the additional accommodation of Lunatics. Upon the resignation of Dr. Minis and Col. Holt, their vacancy was filled by the appointment of R. H. Ramsay and Nathan McGehee, Esqrs. The necessary buildings have been determined upon, put under contract, and are in rapid progress of construction. I refer you to the Report of this Board, herewith transmitted, for the details of their proceedings, the terms of the contracts for the buildings, the amount expended, and the amount necessary to their completion.

Looking to the proviso of the fourth Section of this Act, I first doubted, whether it authorized the work to proceed, if the estimates transcended $50,000. But being satisfied, as it must appear to every intelligent man, that the Institution could not be enlarged to an extent equal to the necessity of the case, nor in architectural harmony with the original design, nor in accordance with the character of the State, my construction of the proviso was, that it intended to limit the expenditure to $50,000 prior to another Session of the Legislature. It was the opinion also, of the Commissioners, a majority of them being Physicians, familiar with the necessities of such Institutions, that, if the Legislature intended to limit the extent of the improvements within the aggregate and final sum of $50,000, it was totally inadequate to furnish the necessary additional accommodations. Hence, it seemed to be the reasonable intention of the Act, to initiate such improvements and additions to the Asylum buildings, as would enable the Institution to fulfill the end of its establishment, to appropriate $50,000 for the the first two years, and leave it to a succeeding Legislature to complete the work. Under this construction of the law, I did not hesitate to sanction the Report of the gentlemen appointed, and permit the work to progress. It will devolve upon the Legislature to make the appropriation necessary for its completion.

I herewith transmit the bi-ennial Report of the Trustees

Superintendant and Resident Physician. From them, yo will learn fully the progress, condition and operations of th Institution; all reflecting credit upon the fidelity and abiliti of those to whom its interests are confided. They will di close to you its wants; let them be supplied with a liberalit commensurate with the claims of the unfortunate demented and worthy the character of a great and growing State.

### PARDONING POWER.

The Executive is charged with no duty more embarrass ing and delicate than that of deciding upon petitions for Par don. In most cases, the application is sustained, not onl by a long list of signers, but by the streaming tears of th heart broken wife or mother. To resist such appeals re quires a firmness of nerve, bordering upon stoicism, and a deafness to the cry of distress, which resembles indifferenc to human wo. But the Executive, whilst he remembers his oath to execute the law in "mercy," must also look steadfastly to the great interests of society which are involved in the exercise of the Pardoning Power. The public are deeply concerned in the proper punishment of crime. The security of life, property, reputation and the social weal depend upon it. Certainty and uniformity in the execution of the criminal laws are of incalculable importance. They are terrors to evil doers, whilst facility, in pardoning offences, gives license to the commission of crime, by holding out the hope of impunity. Impressed with these views and the opinion, that too much clemency has been heretofore practised, I have interposed with great caution. For the purpose of preserving consistency and settling the principles upon which this power should be exercised, I have opened a book in this office, entitled the "Pardon Docket," in which every case of application is entered, and the reasons briefly stated on which it was decided; and I have adopted written rules for my guidance. In order that proper responsibility to the public may be secured, I respectfully recommend the passage of a law requiring the Executive, in future, to communicate to the Legislature, at the opening of each session, a full list of Pardons granted, together with a statement of the reasons on which his decision of each case was predicated. This will draw attention to, and result in the formation of a sounder public opinion, upon this important subject.

Under the provision of the seventh Section of the First Article of the Constitution of this State, on the 6th of June last, I respited the sentence against Jacob Mercer convicted of the murder of Green B. Lee, in the county of Stewart, and adjudged to be hung on the 15th day of June, 1855. On the 25th day of August last, I also respited the sentence against John T. Boyd, convicted of the murder, in the second degree, of Alexander M. Robinson, in the county of

Muscogee, and adjudged to be hung on the 7th day of September 1855. The sentence, in both cases, is respited until the 23d day of the present month. It will therefore behove the Legislature to give their early attention to these cases. It is not designed, that the action of the Executive, shall be construed into the expression of an opinion, as to what ought to be the final decision of the Legislature. The cases should be decided strictly upon their merits. But human life being suspended upon my action, I felt bound to give the unfortunate convicts the benefit of every extenuating circumstance, and cast upon the pardoning power the responsibility of determining their fate.

Former Legislatures, in a few instances, have exercised the pardoning power, by passing laws for that purpose, in cases not capital. The constitutionality of such action is so questionable, that it ought never again to be attempted. The 7th section of the 1st Article of the State Constitution, confers upon the Governor the power "to grant pardons, or to remit any part of a sentence, in all cases after conviction, except for Treason or Murder, in which case he may respite the execution and make report thereof to the next General Assembly, by whom a pardon may be granted." Hence the power to pardon, in cases, not capital, is entirely distinct from the power to pardon, in capital offences. The one is vested in the Governor, the other in the General Assembly. Therefore, the First Section of the First Article of the Constitution would seem to settle the question. It declares that, "The Legislative, Executive, and Judiciary departments of Government shall be distinct, and each department shall be confined to a separate body of magistracy; and no person or collection of persons, being one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted." It is needless to say, the power under consideration is not one of these "instances." The Executive will always respect the wishes of the Legislature, and therefore, it were better for them, to recommend him to pardon, where, in cases not capital, they think clemency is due, than to attempt the exercise of a power so questionable as the enactment of a law for that purpose.

### BOUNDARY LINE BETWEEN FLORIDA AND GEORGIA.

In comformity with an interlocutory decree of the Supreme Court of the United States, the last General Assembly, by Resolution, required the Executive to appoint a Commissioner and Surveyor, on the part of Georgia, to run and mark the boundary line between the States of Florida and Georgia, whenever the former should signify its acceptance of the terms of the Decree, and its readiness to proceed therewith. This resolution was duly exe-

cuted by the appointment of Alexander A. Allen, Esq., Commissioner, and James R. Butts, Esq., as Surveyor on the part of this State. These gentlemen, in conjuction with the Commissioner and Surveyor on the part of Florida, devoted four months to the prosecution of the work; and by the amount of labour performed, the information collected, and the science exhibited, they fully evinced their industry, fidelity and capacity. But the survey was not completed. It was abruptly terminated on account of a misunderstanding between the two Commissioners, as to the terms agreed upon by them, on which the work should be performed. This, with other causes, prevented a hearing of the case pending between the two States, at the last session of the Supreme Court; and upon motion of the Attorney General of the United States, the United States was permitted by the Court to intervene and to become a party thereto. This is the present status of this unpleasant controversy.

By letter, dated 24th of September of the present year Governor Broome proposed, that by consent of the Executives of the respective States, the cause should be continued in order to "obtain from the Legislature of each State authority for the settlement of the question and its removal from the Court." After consultation with John McPherson Berrien, Esq., the leading counsel, in behalf of Georgia, this proposition was accepted, and the cause will be continued for the purpose indicated. Florida is the complaining party and instituted the suit. Hence, it was deemed best to yield to her wishes, thus expressed, not only as a matter of courtesy, but to evince a cheerful readiness to reciprocate every indication of amity emenating from her. The existence of litigation between adjoining sister States of the confederacy, identified in interest, is a matter, deeply to be deplored. It is better to terminate it by settlement, if possible—more consonant with the dignity and decorum that should characterize their intercourse. The tone and tenor of Gov. Broome's letter are such, as to justify the hope, that the effort may lead to the most gratifying result. He says: "It is believed, that, with the information acquired by the commission of last year, a settlement may be effected, provided a proper spirit of conciliation exists, and of this he entertains no doubt." It will doubtless be your pleasure to meet the State of Florida, on the terms and in the spirit proposed. I therefore respectfully suggest, that the General Assembly adopt such measures as will enable the negotiation to be entered upon, for the settlement of this long standing controversy. The manner of conducting it, whether by the Executive or by a special commissioner clothed with the requisite power, will be prescribed by the Legislature. The matter is respectfully submitted and your action invoked.

BRUNSWICK.

The Resolution of the last Legislature, approved Febru-a 15th, 1854, recommending to the Congress of the United Sates, the establishment of a Naval Depot, at the city of Brunswick, was forwarded to our Senators and Representa-ties. They brought the subject before Congress and elicit-e a report from the Secretary of the Navy, highly favour-ale to the ultimate success of the enterprise. When it is onsidered that Brunswick offers the best harbor for ship-ng south of the Chesapeake, that it is a point at which all te material for ship building and repairing can be obtained, the most favourable terms, that there is no Navy Yard be-tween Norfolk and Pensacola, a length of coast of nearly wo thousand miles, that it is capable of being made a ong point for military defence to the Southern Atlantic oast, and that it is the natural outlet to that ocean, for the xtensive travel and trade of the vast country stretching ong the Gulf of Mexico, the object, contemplated by the solution, is one of deep concern to the State of Georgia. It hould be urged by all proper means and influences.

FEDERAL RELATIONS.

I herewith transmit Resolutions and Acts of the Legisla-ures of various States which have been forwarded to this Department. They generally concern, either directly or in-irectly, our Federal Relations; and some of them are of a haracter which renders it doubtful, whether a proper self-espect should not have dictated their silent return to the ource whence they emanated. But it is deemed best to rr on the side of courtesy, and viewed in connection with he present political condition of our country, they suggest natter of the gravest import for your consideration.

In 1850, the people of Georgia, responding to a Proclama-ion of their Chief Magistrate, met in Convention, for the urpose "of determining the course which the State would ursue, in reference to a series of Acts passed by the Con-gress of the United States, known as the "Compromise neasures." All those measures, "directly or indirectly af-fected the institution of slavery," but were designed to form a connected "scheme of pacific adjustment." While Geor-gia found in it "matter for objection and matter for appro-val," still, in a spirit of devotion to the Union, she calmly considered in Sovereign Convention, whether, "*consistent with her honor*," she could "abide by the general scheme of paci-fication," and whether her *interest* lay "in adherence to it, or in resistance." The result was, that whilst she did not "wholly approve," yet she would "abide by it," as a perma-nent adjustment of this sectional controversy. But she did so upon terms. She put the world upon notice, that she "will and ought to resist, even *(as a last resort,)* to a disruption of

every tie that binds her to the Union, any future action f Congress, upon the subject of slavery in the District of C umbia, or in places subject to the jurisdiction of Congre incompatible with the safety, domestic tranquility, the rig and honor of the slaveholding States; or any act suppr sing the slave trade between the slaveholding States, or a refusal to admit, as a State, any territory hereafter applyi because of the existence of Slavery therein, or any act p hibiting the introduction of slaves into the territories Utah and New Mexico, or any act repealing or materia modifying the laws now in force for the recovery of fu tive slaves." It was hoped that these measures would pro what they were promised to be, a final adjustment of t slavery agitation, and that the country would thencefor enjoy repose. It was hoped, that, after making so large sacrifice, involving a surrender of all participation, on t part of the slaveholding States, in the vast territory of Ca ifornia, the spirit of free soil aggression would be appease It was hoped, that the exhibition of such disinterested dev tion to the Union would provoke a cordial reciprocation, the part of the nonslaveholding States, and restore tho fraternal relations, between the two great sections of t Confederacy, which prompted the magnanimous compr mises of the Constitution. But this hope has not been rea ized. The agitation continues. The storm cloud still ol scures the glories of our political firmament and threatens discharge its thunder on our heads.

The laws now in force for the recovery of fugitive slave have not been repealed or materially modified. But it constantly threatened. The Convention of 1850, expresse the deliberate opinion, that "upon the faithful execution the *Fugitive Slave Law*, by the proper authorities, depend the preservation of our much loved Union." How cor temptuously has the declaration been treated in some of th non-slaveholding States! In Massachusetts, Vermont an other States, acts have been passed, virtually nullifyin the law. In some instances it has not been execu ted, and with great difficulty in every instance, wher it has been. A slave escaped from Maryland into Pennsyl vania. His owner went to recapture him—was butchered and the Courts failed to execute the law or punish the crime A slave escaped from Virginia to the city of Boston. T effect his recovery. the President had to order the army an navy to protect the Marshall, at an expense of more tha $100,000. Such are specimens of the manner in which th Fugitive Slave Law is enforced, although the Georgia Con vention declared, that the Union depends upon its faithful ex ecution. A case for resistance however, is not made, unti it shall be repealed or materially modified by Congress Therefore, if no redress can be had, consistently with th

onstitution, in the adoption of retaliatory measures, let us, in patience possess our souls," trusting, that the patriotism f the North may yet be rallied to the rescue.

The compromise measures of 1850, established the principle, that the people of the territories should determine the uestion of slavery for themselves and that hereafter, such erritories should be admitted, as States, into the Union, vith or without slavery, as they should decide. The last Congress passed an Act to organise territorial governments or Kansas and Nebraska, in which this principle was practically applied; and by the repeal of the Missouri prohibition which it contains, it opens these territories to the slaveholder, with his property. The late elections in Kansas show, that a large majority of the people are in favour of adopting slavery as a part of their domestic system; and the indications are, that she will probably apply, during the ensuing Congress, for admission to the Union as a slaveholding State. This brings up the paramount question of the day. Looking to the elements of the next Congress, it seems, that the anti-slavery free soil sentiment is in the ascendency and that her application will be rejected. This therefore is the condition of affairs—on the one hand, we see the threat, and the power to execute it, to refuse the admission of this territory, as a State into the Union, "because of the existence of slavery therein;" on the other, Georgia stands pledged to resist such an act, "even *(as a last resort,)* to a disruption" of the Union. How then, can we secure the admission of Kansas as a slaveholding State, without resorting to this fearful ultimatum? It can only be done by an unflinching adherence to the position which the State has taken. She is the centre of the column of her Southern confederates; they will rally around and sustain her. If she falters all is lost. The determiniation to resist is settled; the manner is not. The Convention failed to specify, in this particular. It being the province of the sovereignty, the Legislature cannot supply the omision. I therefore recommend you to provide by law, for the calling of a State Convention, in the event of the rejection of Kansas, "because of the existence of slavery therein," to deliberate upon and determine the time and mode of the resistance contemplated by the 4th resolution of the Convention of 1850.

The benefits of such action by the Legislature are apparent. Should the contingency arise after your adjournment, it would make the call of an extra session absolutely necessary. By providing for it now, you save a heavy expense to the Treasury.

Another advantage will be the conviction upon the minds of the people of the non-slaveholding States, that Georgia is in earnest. This is important, for they do not believe it. Their freesoil presses and speakers ridicule the idea, that

we are the least serious, in our avowed determination to r sist. We feel and know that we are; and as a matter mere good faith, we should undeceive them, ere their del sion betray them to extremes from which there is no retrea

Such action moreover, will furnish the sound Constitutio al men of the North, with the most potent argument t which to appeal to the patriotism of their fellow-citizen It will arrest the attention of all thinking minds, and rous to the highest degree, that devotion to the Union which a imates the bosoms of the masses in every section. It w "strengthen the knees and hold up the hands" of that intr pid band of Northern patriots who, both in and out of Co gress, are willing to stand by the South in this perilo struggle. If we fail to maintain our position, they fall; w strike from them the prop that supports them; they will b overwhelmed for folly, if they attempt to vindicate ou rights, after we have failed to battle for them.

Nor should such action by the Legislature, be regarded i the light of a threat to the non-slaveholding States. Th would be as derogatory to the dignity of Georgia, as it woul be wounding to their pride. But in the words of the Co vention of 1850, "we should address to them the langua of calm and frank remonstrance, rather than of defiance menace. We would recall them to the faithful discharge duty as confederates, by an appeal to their reason and the moral sense." If, after all, the appeal, in the form sugge ted, should prove unavailing, we should have the proud sa isfaction, of having placed our State triumphantly in t right, and of casting upon them the fearful responsibility driving her to her fearful ultimatum.

Let me not be understood as counselling rash and preci itate action. The call of such a Convention, should it b come necessary, might not, as a matter of course, lead disunion. It might be within the scope of human wisdo to divise other means of redress. It would certainly be the duty, as it would be their desire, if possible, to do s "Disruption" should indeed be *the* "last resort."

Still however, if they should, after mature deliberatio become satisfied, that dissolution would be the only remed it could not, in the very nature of the case, be carried into i stant effect. It would require several months, and durin that time, the reaction in the non-slaveholding States migl be so decided and salutary, as to evince a sense of returnin justice and of renewed fealty to the Constitution. Indee we already see the indication of a favorable reaction, whic encourages the hope, that the patriotism of the North wi save us from the necessity of resorting to the ultimatum the "Georgia Platform." It is evinced by the recent ele tions, and has been brought about by the noble and sel sacrificing efforts of the sound men of the non-slaveholdin

tes. At all events, the Convention would not act stily. Whilst they would proceed with the firmness unalterable purpose, they would also act with well nsidered prudence and caution. They would not a- pt an ordinance for immediate and unconditional dis- ption; but provide for it to take effect at a day ture, sufficiently remote to admit of this reaction. In e mean time the popular elections will have transpired the non-slaveholding States; another Congress may have sembled, who, upon reconsideration, and seeing the posi- on of Georgia, and the peril of the Union, may admit Kansas s a slaveholding State. Let the Ordinance of resistance erefore, be framed so as to allow time for reaction, if need be d to be null and void upon the admission of Kansas by a spec- ied day future, but to take effect, *ipso facto* upon its final jection. This would present the most powerful appeal to e non-slaveholding States, in favor of the rights of the outh and the Union. Above all, it would make them re- ponsible for consequences, and vindicate the position of Georgia in the estimation of mankind. I conscientiously be- eve this to be the best way to preserve the Union. It is as lover of the Union, that I recommend it. Georgia has olemnly declared, that "the American Union is secondary n importance only to the rights and principles, it was de- signed to perpetuate;" and in accordance with this, she has solemnly announced, that she will "resist, (*even as a last re- sort,*) to a disruption of every tie that binds her to the Union," the acts of Congressional encroachment enumerated in the 4th Resolution of the Convention of 1850. These two an- nouncements taken together, if they mean anything, express her determination to maintain her rights *in* the Union, if she can; but out of the Union, if she must. The people of Georgia endorse the vow; let their Representatives prove themselves equal to the emergency.

This communication is necessarily suggestive, not argu- mentative; otherwise, its length, instead of being tiresome, as it is, would be intolerable. I have barely glanced at the most important subjects which claim your consideration.— It remains for you, in your wisdom, inspired by enlarged and devoted patriotism, to dispose of them as may "appear most conducive to the interest and prosperity of the State."

HERSCHEL V. JOHNSON.